IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO : 6372 of 2001

Between:

1 Dodda Somaraj, S/o. Koteswaraiah,
R/o. H.No.6-3-84/A, Nalgonda.
2 Dodda Shivashankar, S/o. Koteswaraiah,
R/o. H.No.6-3-84/A, Nalgonda.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by the District Collector,
Nalgonda, Nalgonda District.
2 The Revenue Divisional Officer,
Nalgonda.
3 The Commissioner,
Nalgonda Municipality, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondents in issuing Notification No.E3/18399/99 dt. 29-1-2001 U/Sec.4 of the Land Acquisition Act in the A.P.Gazette Extraordinary is illegal, arbitrary violative of Articles 14 and 300-A of the Constitution of India and set-aside the same.

Counsel for the Petitioner:MR.VIJAY KUMAR HEROOR

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr.Pohisetti Radha Krishna

The Court made the following:

ORDER:

Land belonging to the petitioner was proposed to be acquired for construction of a swimming pool. Alleging that no swimming pool is going to be constructed in the site of the petitioner as the same was constructed elsewhere. Counsel for petitioner states that since the purpose for which the acquisition is sought to be made ceased to exist, the impugned notification is liable to be quashed.

Learned Standing Counsel for the requisitioning department admitted that the swimming pool is constructed in another site. Since the purpose for which the land of the petitioner was sought to be acquired ceased to exist, the notification impugned can be quashed.

Hence, the writ petition is allowed and notification under which the land of the petitioner sought to be acquired is quashed. No costs.

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12-07-2005

Prv

To

1 The District Collector,

Government of Andhra Pradesh,
Nalgonda, Nalgonda District.
2 The Revenue Divisional Officer,
Nalgonda.
3 The Commissioner,
Nalgonda Municipality, Nalgonda.

4 Two CCs to G.P. for Revenue, High Court of Andhra Pradesh,

Hyderabad (OUT).

5 Two CD copies.